



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant: Amjad Hanif et al. Examiner: Susanna M. Meinecke Diaz
Serial No.: 10/749,736 Group Art Unit: 3623
Filed: December 30, 2003 Docket No.: 2043.022US1
Title: FEEDBACK CANCELLATION IN A NETWORK-BASED TRANSACTION
FACILITY

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents
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The applicant requests review of the final rejection in the above-identified application.
No amendments are being filed with this request.

This request is being filed with a Notice of Appeal, and review is requested for the
reasons stated below:

Claims 1-7, 9-25 and 27-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable
over Vaidyanathan et al. (U.S. Publication No. 2004/0128155; hereinafter Vaidyanathan) in view
of Ratterman et al. (WO 01/61601A1; hereinafter Ratterman).

Claim 16 includes the following limitations:

*marking the feedback pertaining to the transaction as withdrawn if the one or more
feedback cancellation criteria are satisfied; and*

*generating a user interface that presents the feedback pertaining to the transaction and
an indication that the feedback pertaining to the transaction is withdrawn.*

The following quote from Vaidyanathan is relevant:

[0111] If the process is automated or if the parties agree to reputation repair, similar
processes reputation correction module 34D interacts with electronic marketplace 18 to
automate the removal or correction of feedback initially provided by one or both of the
parties (152).

The above quote describes a reputation correction module. Specifically, the reputation correction module is described as interacting with an electronic marketplace to remove or correct the feedback.

Claim 16 requires marking feedback pertaining to a transaction as withdrawn and generating a user interface that presents the feedback pertaining to the transaction and an indication that the feedback pertaining to the transaction is withdrawn. Merely for example, “[i]n one embodiment, when a user requests to see all feedback left for some other user, cancelled feedback (if any) is displayed with a comment indicating that this feedback has been withdrawn” (Application, paragraphs 38, 71 and Figure 24).

In contrast to the limitations of claim 16, the above quote from Vaidyanathan, as indicative of Vaidyanathan in general, does not describe marking the feedback pertaining to the transaction as withdrawn and generating a user interface that presents the feedback pertaining to the transaction and an indication that the feedback pertaining to the transaction is withdrawn; but rather, removing the feedback and correcting the feedback. Marking the feedback as withdrawn is not the same as removing the feedback (e.g., see Response to Non-Final Action mailed February 3, 2006, paragraph 6)

In response to the above argument the Final Office Action mailed July 28, 2006 states:

“The Examiner respectfully disagrees. Applicant admits that Vaidyanathan teaches “removing the feedback and correcting the feed back.” However, the Examiner takes issue with Applicant’s assertion that removing feedback is not the same as withdrawing feedback. Merriam-Webster’s Collegiate® Thesaurus (©1988) provides the word “remove” as the first listed synonym for the word “withdraw.” Other listed synonyms are “takeaway, take off, take out.” Therefore, the Examiner submits that removing feedback is synonymous with withdrawing feedback, thereby addressing the claimed withdrawal of feedback.”

Final Office Action mailed July 28, 2006

Applicants respectfully submit that the above response misstates Applicants’ argument. Applicants have not argued “removing feedback is not the same as withdrawing feedback,” but rather, *marking feedback as withdrawn* is not the same as removing the feedback. Merely for example, consider the following illustration:

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The screenshot shows a web-based application for managing feedback. At the top, there are tabs for 'Home', 'Register', 'Sign In', 'Logout', 'Help', and 'Feedback'. Below the tabs are buttons for 'Browse', 'Search', 'Sell', 'Community', and 'Powered by XYZ'. A callout labeled '2406' points to the 'Feedback Score' section, which displays a score of 3520 and a percentage of 99.8%. It also lists statistics: Members who left a positive review (3531), Members who left a negative review (3), and All positive feedback received (3537). To the right, a 'Recent Rating' table shows three rows of data: positive (352), neutral (1), and negative (1). A 'Member since Jul 1997' message is displayed, along with links for 'History', 'Buyer for Sale', 'Visitor Stats', and 'Learn more About Me'. A large callout labeled '2402' points to a list of feedback entries. The list includes various reviews from buyers and sellers, some of which are marked as withdrawn. The withdrawn reviews are highlighted with a yellow background.

	Positive	Neutral	Negative
positive	352	1	1
neutral	1	1	1
negative	1	1	1

All Feedback Received: From Buyer | From Seller | List for Others | 2404 | Page 1 of 30

2402 **Comments**

- Excellent seller, fast emails and shipment. AAA+++. Buyer [removed] (143) 5★ Feb-25-03 11:31 352/3537
- ABSOLUTELY THE PERFECT BUYER. SENT IMMEDIATELY! JUST WONDERFUL. HAMQ. Buyer [removed] (1) 5★ Feb-25-03 11:31 352/3537
- Very fast transaction, quick delivery. Buyer [removed] (724) 5★ Feb-25-03 11:31 352/3537
- An excellent customer, thank you for your business!! Seller [removed] (19) 5★ Feb-25-03 11:31 352/3537
- Would not trade again, never shipped my item! Reply by discarded I emailed you 5 times but no response. Don't settle for less. Followup by [removed] I didn't get any emails. Buyer [removed] (255) 5★ Feb-25-03 11:31 352/3537
- Fast payment! Excellent seller!...hope do business Seller [removed] (251) 5★ Feb-25-03 11:31 352/3537
- No longer a registered user. Buyer [removed] (21) 5★ Feb-25-03 11:31 352/3537
- Thanks again! Always a pleasure. Buyer [removed] (21) 5★ Feb-25-03 11:31 352/3537
- Shipping took too long. But offered me refund. Buyer [removed] (19) 5★ Feb-25-03 11:31 352/3537
- Another good deal. Business was a pleasure. Buyer [removed] (255) 5★ Feb-25-03 11:31 352/3537
- Never shipped the item! Bad Seller! Reply by discarded: Shipped via delayed by UPS. Arrived 2 days later on Feb 28th. Withdrawn: Buyer and seller mutually agreed to withdraw feedback for this item. Learn more
- Good communication and packaging. Buyer [removed] (143) 5★ Feb-25-03 11:31 352/3537
- Buy from this guy! He is the best! Buyer [removed] (25) 5★ Feb-25-03 11:31 352/3537

FIG. 24

Figure 24 includes a callout 2402 that identifies withdrawn feedback with the string "Withdrawn: Buyer and Seller mutually agreed to withdraw feedback for this item." Marking the feedback as withdrawn requires the feedback not be removed. Further, the difference between marking a feedback as withdrawn and removing the feedback is not trivial. For example, potential buyers cannot evaluate feedback that has been removed. In contrast, potential buyers may evaluate feedback that has not been removed and is marked as withdrawn. Accordingly, the present invention as claimed provides a distinct advantage over the prior art towards creating an environment of credibility and trust by providing a buyer important information to make judgments.

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In summary, Vaidyanathan in combination with Ratterman does not teach or suggest each and every limitation of the independent claims of the present application under 35 U.S.C. § 103.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27 day of September 2006.

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Signature

